NOTIFICATION

(LAW DEPARTMENT).

No. LAW 81 LCA 65, Bangalore, dated 2nd November 1965.

Ordered that the Railways (Employment of Members of the Armed Forces) Bill, 1965 (Central Bill No. 65 of 1965 of LokSabha) which has been published in the *Gazette of India*, Extraordinary, Part II, Section 2, dated the 24th September 1965, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Governor of Mysore,

B. RAMACHANDRA RAO,

Under Secy. to Govt. I/c, L. D.

LOKSABHA

The Following Bills were introduced in Lok Sabha on the 24th September, 1965:—

BILL NO. 65 OF 1965

A bill to make certain provisions relating to the employment of members of the Armed Forces of the Union in the working and management of railways.

BE it enacted by Parliament in the Sixteenth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Railways (Employment of Members of the Armed Forces) Act, 1965.

(2) It extends to the whole of India.

(3) It shall come into Force on such date as the Centra Government may, by notification in the Official Gazette, appoint

2. *Interpretation.*—Words and expressions used in this Act and defined in the Indian Railways Act, 1890 (9 of 1890), shall have the meainings respectively assigned to them in that Act.

3. *Employment of members of Armed Forces of the Union to assist a railway administration in connection with the service of a railway* —(1) When any member of the Armed Forces of the Union is employed to assist a railway administration in connection with the service of a railway, then, whether such employment was before or is after the commencement of this Act,—

(*a*) any provision of the Indian Railways Act, 1890 (9 of 1890), or of the rules made thereunder, which confers a power, status or immunity, or imposes a duty or liability, upon a railway servant, in connection with the working, use, management and maintenance of railways shall be construed as conferring the same power, status or immunity or imposing the same duty or liability, as the case may be, upon such member of the Armed Forces of the Union when so employed;

(*b*) the employment of a member of the Armed Forces of the Union, in addition to or in the place of any railway servant, shall not affect any liability that would have attached to the railway administration had such member been a railway servant.

(2) Nothing in sub-section (1) shall be construed as making applicable to the members of the Armed Forces of the Union employed to assist a railway administration the provisions of Chapter VIA of the Indian Railways Act, 1890 (9 of 1890), or as derogating from any provision of a law regulating the governance, control and discipline of the members of the Armed Forces of the Union.

4. *Employment of members of Armed Forces of the Union to replace railway administration in working a railway.*—If at any time the whole of the working, management and maintenance of a railway, or of a specific portion or section of a railway, is assumed by the Armed Forces of the Union, the Central Government may notify the fact of such assumption in the Official Gazette, and thereupon, so long as such assumption continues, the Indian Railways Act, 1890 (9 of 1890), shall cease to be applicable to the Railway or the portion or section of the Railway concerned.

STATEMENT OF OBJECTS AND REASONS

In an emergency, occasi ns may arise when members of the Armed Forces have to be employed to assist the Railway administration in manning the Railways. The per-onnel so employ d do not however, fall within the definition of "Railway servants" under the Indian Railways Act, 1890, even while actually working on Railways. It is, therefore, necessary to confer upon the members of the Armed Forces so employed the same powers, status and immunities, and impose upon them the same liabilities, as are applicable to Railway servants under the Indian Railways Act, 1890. Sometimes even the whole of the working, management and maintenance of a Railway or specific portion or section of it, may have to be assumed exclusively by the Armed Forces. During the period of such assumption the Indian Railways Act, 1890 should not apply in respect of the Railway or portion or section of the Railways so taken over. The Bill, which closely follows the provisions contained in Ordinance 53 of 1942 (since repealed by Act 2 of 1948), seeks to achieve the above objects.

NEW DELHI;
The 23rd *September*, 1965.

Y. B. CHAVAN.

ERRATUM

The date November 18, 1965, printed at the top of the First page No. G-1 (447) in Part IV-1-A of the *Mysore Gazette* dated 4th November 1965 relating to Delhi Secondary Education Bill, 1964 may kindly be corrected and read as November 4, 1965.

Compiler.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, Bhopal.